



[Supreme Court of California](#)

350 McAllister Street, San Francisco, CA 94102-4797

**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

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## **Summary of Cases Accepted and Related Actions During Week of October 26, 2015**

*[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]*

**#15-191 *People v. Financial Casualty & Surety Inc.*, S229446.** (B251230; 239 Cal.App.4th 440; Los Angeles County Superior Court; SJ003872.) Petition for review after the Court of Appeal affirmed an order denying a motion to extend the period to exonerate a bail bond. The court limited review to the following issues: (1) Should the good cause standard under Penal Code section 1305.4 for extension of the period to exonerate bail require a demonstration of a reasonable likelihood of success of returning a fugitive? (2) When a court finds there has been a diligent investigation to locate a fugitive, does the burden under Penal Code section 1305.4 shift to the People to prove that there is not a reasonable likelihood of success of returning the fugitive? (3) Does an extension of the period to exonerate bail under Penal Code section 1305.4 commence on the date on which the initial 180-day period expires or on the date on which the trial court grants the extension?

**#15-192 *In re I.C.*, S229276.** (A141143; 239 Cal.App.4th 304; Alameda County Superior Court; SJ12019578.) Petition for review after the Court of Appeal affirmed orders in a juvenile dependency proceeding. This case presents the following issues: (1) Did the juvenile court err by failing to determine whether the truthfulness of the minor as a hearsay declarant was “so clear from the surrounding circumstances that the test of cross-examination would be of marginal utility” as required by *In re Lucero L.* (2000) 22 Cal.4th 1227? (2) Did the Court of Appeal err by affirming the trial court’s jurisdictional finding without reviewing the entire record for substantial evidence of the minor’s clear truthfulness?

**#15-193 *In re Snow*, S121365.** Original proceeding. In this case, which is related to the automatic appeal in *People v. Snow* (2003) 30 Cal.4th 43, the court issued an order to show cause limited to claims why petitioner is not entitled to relief on the ground that he was denied the effective assistance of counsel at the penalty phase of his trial

**#15-194 *People v. Accredited Surety & Casualty Co., Inc.*, S229271.** (C075960; 239 Cal.App.4th 293; Shasta County Superior Court; 179179.) Petition for review after the Court of Appeal affirmed an order denying a motion to extend the period to exonerate a bail bond. The court ordered briefing deferred pending decision in *People v. Financial Casualty & Surety Co.*, S229446 (#15-191), which presents the following issues: (1) Should the good cause standard under Penal Code section 1305.4 for extension of the period to exonerate bail require a demonstration of a reasonable likelihood of success of returning a fugitive? (2) When a court finds there has been a diligent investigation to locate a fugitive, does the burden shift to the People to prove that there is not a reasonable likelihood of success of returning the fugitive? (3) Does an extension of the period to exonerate bail commence on the date on which the initial 180-day period expires or on the date on which the trial court grants the extension?

**#15-195 *People v. Behill*, S229373.** (F067821; nonpublished opinion; Kern County Superior Court; SC081806A.) Petition for review after the Court of Appeal affirmed the denial of a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Chaney*, S223676 (#15-13), and *People v. Valencia*, S223825 (#15-14), which present the following issue: Does the definition of “unreasonable risk of danger to public safety” (Pen. Code, § 1170.18, subd. (c)) under Proposition 47 (“the Safe Neighborhoods and Schools Act”) apply on retroactivity or other grounds to resentencing under the Three Strikes Reform Act of 2012 (Pen. Code, § 1170.126)?

**#15-196 *People v. Delapena*, S229010.** (H041363; 238 Cal.App.4th 1414; Santa Clara County Superior Court; C1369715.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. DeHoyos*, S228230 (#15-171), which presents the following issue: Does the Safe Neighborhood and Schools Act [Proposition 47] (Gen. Elec. (Nov. 4, 2014)), which made specified crimes misdemeanors rather than felonies, apply retroactively to a defendant who was sentenced before the Act’s effective date but whose judgment was not final until after that date?

**#15-197 *Flannigan v. Onuldo*, S229113.** (D067447; nonpublished opinion; Riverside County Superior Court; RIC1304784.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Yvanova v. New Century Mortgage Corp.*, S218973 (#14-100), which presents the following issue: In an action for wrongful foreclosure on a deed of trust securing a home loan, does the borrower have standing to challenge an assignment of the note and deed of trust on the basis of defects allegedly rendering the assignment void?

**#15-198 *Universal Protection Service, LP v. Superior Court*, S229442.** (C078557; 239 Cal.App.4th 697; Yolo County Superior Court; CVCV14334.) Petition for review after the Court of Appeal affirmed an order granting a petition to compel arbitration in a civil

action. The court ordered briefing deferred pending decision in *Sandquist v. Lebo Automotive, Inc.*, S220812 (#14-127), which presents the following issue: Does the trial court or the arbitrator decide whether an arbitration agreement provides for class arbitration if the agreement itself is silent on the issue?

## DISPOSITION

The following case, which had been granted and held for *People v Macabeo*, S221852 (#14-135), was ordered dismissed and abated due to the death of the defendant:

**#15-115 *People v. Huntsberry*, S225982.**

## STATUS

**#14-130 *Galen v. Redfin Corp.*, S220936.** The order dismissing review in this case, filed September 30, 2015, was vacated nunc pro tunc.

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*The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.*